



**Virginia
Regulatory
Town Hall**

Exempt Agency Proposed Regulation Agency Background Document

Agency Name:	State Water Control Board
VAC Chapter Number:	9 VAC 25-180-10 et seq.
Regulation Title:	General VPDES Permit Regulation For Discharges of Storm Water From Construction Activities
Action Title:	Amend Existing Regulation
Date:	April 15, 2002

Where an agency or regulation is exempt in part or in whole from the requirements of the Administrative Process Act (§ 9-6.14:1 *et seq.* of the *Code of Virginia*), the agency may provide information pertaining to the action to be included on the Regulatory Town Hall. The agency must still comply the requirements of the Virginia Register Act (§ 9-6.18 *et seq.* of the *Code of Virginia*) and file with the Registrar and publish their regulations in a style and format conforming with the *Virginia Register Form, Style and Procedure Manual*. The agency must also comply with Executive Order Fifty-Eight (99) which requires an assessment of the regulation's impact on the institution of the family and family stability.

This agency background document may be used by agencies exempt pursuant to § 9-6.14:4.1(A) at the proposed stage. Please refer to the *Virginia Register Form, Style and Procedure Manual* for more information.

Summary

Please provide a brief summary of the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation; instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

The EPA Phase 2 storm water regulations, which were published in the Federal Register on December 8, 1999, and incorporated into the state VPDES Permit Regulation (9 VAC 25-31-10 et seq.) effective September 27, 2000, require small construction activities to apply for VPDES permit coverage. Small construction activities include clearing, grading, and excavation that results in land disturbance of equal to or greater than one acre and less than five acres. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one and less than five acres

Storm water discharges from small construction activities require permit authorization by March 10, 2003, unless designated for coverage before then. Small construction sites would be "designated for coverage" as soon as this amendment becomes effective.

Therevisions to the existing regulation are as follows:

Added a definition of "Construction Activity" to make it clear that the term included both "Industrial Activity" (which is how large construction activities 5 acres and above are defined), and "Small Construction Activity".

Modified the first part of the definition of "Final Stabilization" to make it consistent with Minimum Standard #3 from the Department of Conservation and Recreation's Erosion and Sediment Control Regulations.

Revised the definition of "Industrial Activity" to make it consistent with the revised definition in the VPDES Permit Regulation, and added a definition for "Small Construction Activity".

Added the definition of "Point Source" to the regulation to clarify this term.

Added a waiver provision which allows small construction sites to be exempted from the permitting requirements if a Total Maximum Daily Load (or equivalent analysis, for non-impaired waters) has been developed that shows, for the pollutants of concern, that storm water controls are not needed to protect water quality.

Added a section to the regulation on "Qualifying State, Tribal and Local Programs" that allows permittees to incorporate qualifying programs (such as local Erosion and Sediment Control Programs) by reference into the Storm Water Pollution Prevention Plan (SWPPP) required by the permit. If the qualifying program does not contain all of the elements required by the permit SWPPP, then the permittee must develop the missing elements and include them in the SWPPP.

Modified the permit authorization to add "small construction activities" to the authorized discharges.

Modified the permit Part III "boilerplate" to incorporate the new "Signatory Requirements" section from the VPDES Permit Regulation.

All other permit requirements and provisions will remain the same.

Additional Information

Please indicate that the text of the proposed regulation, the reporting forms the agency intends to incorporate or use in administering the proposed regulation, and a copy of any documents to be incorporated by reference are attached. Please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the proposed regulation and that it comports with applicable state and/or federal law.

The text of the proposed regulation, and the Registration Statement and the Notice of Termination forms that the Agency proposes to use to administer the regulation are attached. The Office of the Attorney General has certified that the Agency has the authority to promulgate the proposed regulation and it comports with applicable state and/or federal law.

Family Impact Statement

Please provide an analysis of the proposed regulatory action that assesses the potential impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The proposed regulation will have no direct impact on the institution of the family or family stability.